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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

NINA MARIE DEVERELL,
Petitioner,

Civ. No. 08-1417-CL

v.

NANCY HOWTON,
Respondent.

ORDER

PANNER, District Judge:

Magistrate Judge Mark D. Clarke filed a Report and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). When either party objects to any portion of a Magistrate Judge's Report and Recommendation, the district court must make a de novo determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F. 2d 1309, 1313 (9th Cir. 1981).

Here, petitioner objects to the Report and Recommendation. I


have, therefore, given this matter de novo review. I find no error. The record indicates that the state post-conviction decision denying relief is entitled to deference, that petitioner's plea was knowing, intelligent, and voluntary, and that petitioner's trial attorney competently advised her to accept the plea offer. Accordingly, I ADOPT the Report and Recommendation of Magistrate Judge Clarke.

CONCLUSION

Magistrate Judge Clarke's Report and Recommendation (#54) is adopted. The petition (#2) is denied. Because petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability is denied. See 28 U.S.C. § 2253(2).

IT IS SO ORDERED.

DATED this 16 day of March, 2010.

A handwritten signature in cursive script, reading "Owen M. Panner", written in dark ink over a horizontal line.

OWEN M. PANNER
U.S. DISTRICT JUDGE